

### **REMARKS**

The January 30, 2007 Office Action regarding the above-identified application has been carefully considered; and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

Several claims have been amended to overcome a §112 second paragraph rejection, and several new dependent claims are presented above. Claims 11, 13, 15, 17, 20, 21 and 23-39 should now be pending, of which claims 11, 13, 15 and 17 are independent claims. All of the remaining claims relate to systems, each comprising a broadcasting or transmitting unit for broadcasting or transmitting a program or commercial message and a receiver for receiving the program or commercial message. The systems of claims 11 and 13 also include a service center for managing number of issuances of coupons (11) or number of coupons used (13) for the program or commercial message.

### **Support for Claim Amendments**

Care has been taken to avoid instruction of new matter.

Claims 15 and 17 have been amended to add a request generating means for generating the coupon issuance request by including the coupon identifier included in the coupon information, to the recited elements of the receiver. In the drawings, FIG. 1 shows a coupon issuance request process 33 implemented in the receiver 31, and the function of adding information relating to the program or commercial message to the coupon issuance request in the receiver 31 is described in the specification, (see e.g. paragraph beginning in line 27 of page 12).

In the amended claims 20 to 27, the newly recited “transmitter” corresponds to numeral 21 and the newly added “computer” corresponds to numeral 24, which are described on page 9, lines 16 to 22 of the specification. Applicants submit that the “broadcasting band” terminology now recited in claim 20, 23 and 25 is adequately supported by the description from page 10, line 24 to page 11, line 4.

With regard to new claims 34 to 39, the calculating means in claims 35 and 38 are supported by page 19, line 5 to page 20, line 16 and Figs. 3A, 3B and 3C. New claims 36 and 39 are supported by page 14, line 18 to page 15, line 11. New claims 34 and 37 are supported by page 18, lines 20 to 24 and page 23, lines 14 to 20.

It is respectfully submitted that the claim amendments are adequately supported by the original written description and do not introduce new matter.

### **Definiteness**

The Office Action included a rejection of claims 15, 20, 21, 23-27, 29 and 31-33 under the second paragraph of 35 U.S.C. §112 as indefinite.

The rejection asserted that the prior recitation in claim 15 that the request receiving means received a request for issuance of the shopping coupon “transmitted on the basis of the coupon information” was confusing in that it seemed to characterize an element of the broadcasting or transmitting unit on the basis of how a remote receiver generated the signal received at the broadcasting or transmitting unit. The receiving means paragraph has been amended to delete the indication of the basis for the request. Instead, claim 15 now recites that the receiver includes a request generating means for generating the coupon issuance request including the identifier of the shopping coupon (which was included in the coupon information). To provide antecedence for the inclusion of the identifier in the coupon information, the earlier

recitation of the coupon information broadcasting/transmitting means (in the broadcasting or transmitting unit) has been revised to state that the coupon information includes an identifier of a shopping coupon. It is respectfully submitted that the receiver function regarding inclusion of the coupon identifier in the request and the attendant function of the receiving means for receiving that request with the identifier are now clearly and concisely recited in the claim.

Claim 17 was not included in the indefiniteness rejection. However, claim 17 included similar language regarding the receipt of the issuance request transmitted on the basis of the coupon information. Hence, claim 17 has been amended in a manner similar to 15, to insure that claim 17 avoids the basis for the rejection of claim 15.

The indefiniteness rejection alleged that claims 20, 21, 23-27, 29 and 31-33 were confusing in that they set forth method steps without reciting apparatus structure. Each of those claims has been amended above to add one or more structural recitations, which should overcome the issues raised in the indefiniteness rejection. Other points raised with regard to claims 23, 31, 32 and 33 also have been addressed by corrective amendments above.

Applicants respectfully submit that the versions of claims 15, 17, 20, 21, 23-27, 29 and 31-33 presented above are free of the indefiniteness concerns raised in section number 3 of the latest Office Action. Instead, the claims above are believed to particularly point out and distinctly claim subject matter that Applicants regard as their invention, with a reasonable degree of specificity when read by a person of ordinary skill in the relevant art. Hence, Applicants respectfully request that the Examiner withdraw the indefiniteness rejection.

**Novelty/Patentability of Claims over Spector**

The Office Action included a rejection of claims 11, 31, 15, 17, 20, 21 and 23-33 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2006/0100929 to

Spector. Although listed in that first art rejection, claim 31 also stands rejected under 35 U.S.C. §103 as unpatentable over Spector. These rejections are traversed on the ground that the applied Spector publication alone or as modified in the 103 rejection would not satisfy all requirements of any of the independent claims.

Claims 11 and 15 both recite “broadcasting/transmitting management means for determining a period, a number of times or a fee, for the broadcasting or transmitting of the program or commercial message, on the basis of the number of issuances of the shopping coupon.” A history is maintained of issuances of the coupon responsive to requests from receivers, either in the service center (claim 11) or in the broadcasting or transmitting unit (claim 15). In claim 11, the service center includes means to calculate the number of issuances of the shopping coupon based on the history; whereas in claim 15, the broadcasting or transmitting unit includes coupon issuance number analyzing means for calculating the number of issuances of the shopping coupon for the program or commercial message based on the history. It is respectfully submitted that Spector would not satisfy the claim requirement that the broadcasting or transmitting unit includes management means for determining a period, a number of times or a fee, applicable to the broadcasting or transmitting operation with regard to the program or commercial message, on the basis of the number of issuances of the shopping coupon.

Spector adjusts the discount rate that the coupon offers to a user depending on the redemption rate of the coupon ([0039]). However, Spector does not mention a relationship between the coupon issuance rate or number and control of or setting of a fee for the broadcasting of the commercial message. It appears that Spector is silent on determining a period or a number of times that the program or commercial message will be broadcast or transmitted, and is silent as to determining a fee for the broadcast or transmission. Spector thus does not disclose or teach management of any of the various recited aspects of the

communication of the program or commercial message, on the basis of the number of issuances of the shopping coupon.

In the Office Action, the discussion of independent claims 11 and 15 included an assertion to the effect that “regarding the ‘determining a period, number of times or a fee, for the broadcasting or transmitting of the program or commercial message,’ the ability to calculate a number of issuances of coupons inherently provides a number of minimum times that the corresponding commercial was broadcasted and/or viewed, therefore meeting this limitation” (Office Action, page 4, lines 13-17). Applicants respectfully submit that the ability to calculate the number of issuances is not enough to meet the relevant recitations. In each of these independent claims, the means involved are broadcasting/transmitting management means. The management function of this means involves determining either a period, a number of times or a fee, that is to be applied to the broadcasting or transmitting of the program or commercial message. For example, the disclosed system dynamically changes the period, the number of times or the fee depending on the coupon issuance number; Applicants’ disclosed system does not just measure the minimum times that the commercial was broadcasted and/or viewed as the rejection assumes from the disclosure of Spector. The “ability to calculate a number of issuance of coupons” of Spector is not enough to manage the broadcasting or transmitting based on that number, as recited in claims 11 and 15.

Since Spector does not disclose the recited management function, the Spector system does not include the broadcasting/transmitting management means element of either claim 11 or claim 15. Accordingly, claims 11 and 15 and the claims that depend therefrom are novel over Spector.

Claims 13 and 17 both recite broadcasting/transmitting managing or management “means for determining a period, a number of times or a fee, for broadcasting or transmitting the

program or commercial message, on the basis of the **number of uses of the shopping coupon** for the program or commercial message.” A history is updated based on uses of the coupon, either in the service center (claim 13) or in the broadcasting or transmitting unit (claim 17). In claim 13, the service center includes means to calculate the number of uses of the shopping coupon based on the updated history; whereas in claim 17, the broadcasting or transmitting unit includes coupon use number analyzing means for calculating the number of uses of the shopping coupon for the program or commercial message based on the updated history. It is respectfully submitted that Spector would not satisfy the claim requirement that the broadcasting or transmitting unit includes management means for determining a period, a number of times or a fee, applicable to the broadcasting or transmitting operation for the program or commercial message, on the basis of the number of use of the shopping coupon.

As noted, Spector discloses an adjustment of the discount offer provided by the coupon depending on the redemption rate of the coupon ([0039]). However, Spector does not mention a relationship of the coupon redemption or “use” rate to the resulting broadcasting of the commercial message. It is believed that Spector is silent on determining a period or a number of times to broadcast or transmit the program or commercial message, and that Spector is silent as to setting of a fee for the broadcast or transmission. Spector thus does not disclose or teach management of any of these aspects of the communication of the program or commercial message, on the basis of the number of uses of the shopping coupon.

In the Office Action, the discussion of independent claims 13 and 17 included an assertion to the effect that “regarding the ‘determining a period, number of times or a fee, for the broadcasting or transmitting of the program or commercial message,’ the ability to calculate a number of redemptions of coupons inherently provides a number of minimum times that the corresponding commercial was viewed, therefore meeting this limitation” (Office Action,

sentence bridging pages 4 and 5). Applicants respectfully submit that the ability to calculate the number of redemptions is not enough to meet the relevant recitations regarding managing broadcasting or transmitting. In each of these independent claims, the means involved are broadcasting/transmitting management means. This “means” manages broadcasting or transmitting by determining a period, a number of times or a fee, that is to be applied to the broadcasting or transmitting of the program or commercial message. For example, the disclosed system dynamically changes the period, the number of times or the fee depending on the coupon number coupon uses; Applicants’ disclosed system does not just measure the minimum times that the commercial was viewed as the rejection assumes from the disclosure of Spector. The “ability to calculate a number of redemptions of coupons” of Spector is not enough to manage the broadcasting or transmitting based on that number, as recited in claims 13 and 17.

Since Spector does not disclose the recited broadcast or transmission management function, the Spector system does not include the broadcasting/transmitting management means element of either claim 11 or claim 15. Accordingly, claims 11 and 15 and the claims that depend therefrom are novel over Spector.

The 103 rejection of claim 31 over Spector only alleges that it would have been obvious add collection and processing of demographic data. Even if obvious, such a modification of Spector would still not result in a system that includes the broadcasting/transmitting management means element of the independent claim 13. Accordingly, claim 31 should be novel over Spector for at least the reason given above relative to claim 13.

The new claims 34-39 depend from either claim 11 or from claim 13 and should be novel and patentable over Spector, along with the independent claims.

**Patentability of the Pending Claims over Spector in view of Kitsukawa**

The Office Action also set forth an alternate rejection of claims 11, 31, 15, 17, 20, 21 and 23-33 under 35 U.S.C. §103(a) as unpatentable over Spector in view of U.S. Patent No. 6,282,713 to Kitsukawa et al. This rejection is traversed on the ground that the proposed combination of Spector and Kitsukawa would not satisfy all requirements of any of the independent claims.

As discussed above, each of the independent claims recites broadcasting/transmitting management means for determining a period, a number of times or a fee, for the broadcasting or transmitting of the program or commercial message, either on the basis of the number of issuances (11 and 15) or on the basis of the number of uses (13 and 17) of the shopping coupon; and Spector does not disclose the recited broadcasting/transmitting management means. The addition of Kitsukawa does not make up for this deficiency; and the combination of Spector and Kitsukawa still would not include the broadcasting/transmitting management means, as recited in the different independent claims.

Kitsukawa discloses a home terminal system for receiving communications, including coupon information, and capturing information for selected coupons on-demand, in response to user selections (see abstract). In Kitsukawa, the information collection center collects the information on the TV programs from the user systems and uses the collected data for statistical analysis purposes (column 12, lines 7-19). However, Kitsukawa does not describe count accesses from the audiences to the displayed advertised information and does not mention determining a period or a fee of the program or commercial message according to the access count, particularly for the use in managing broadcast or transmission. Thus, Kitsukawa, like Spector, does not show the “broadcasting/transmitting managing means” in claims 11, 13, 15 and 17, either.



Hence, combination of Kitsukawa with Spector would still not result in a system having broadcasting/transmitting management means to set a period, a number of times or a fee, for the broadcasting or transmitting of the program or commercial message, based upon the number of issuances or uses of the shopping coupon, as in Applicants' various claims. For at least this reason, all of the pending claims should be patentable over Spector and Kitsukawa and the obviousness rejection over those documents should be withdrawn.

New claims 35 and 38 recite an additional distinction. As mentioned above, Spector adjusts the coupon offer depending on the redemption rate of the coupon ([0039]). However, Spector does not count the number of coupons issued or used for each time zone of the program or commercial message, which is shown in Fig. 3A of the present application. Spector looks at the customer's profile to realize a customer tendency ([0036]). However, Spector is silent on further counting the coupons for each gender and each age range using the customer's profile. Accordingly, Spector does not show the calculation process of the calculating means of the service server specified by new claims 35 and 38. As mentioned above, in Kitsukawa, the information collection center collects the information on the TV programs from the user systems and uses the collected data for statistical analysis purposes. However, Kitsukawa does not describe in detail which information on a TV program is collected or which statistical process is performed. Kitsukawa is silent on counting the coupons for each time zone of the program or counting the coupons for each gender and each age range. Hence, Kitsukawa also does not show the calculating means of new claims 35 and 38. For this additional reason, claims 35 and 38 should be novel over Spector and patentable over the proposed combination of Spector with Kitsukawa.

**Conclusions**

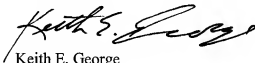
Upon entry of the above claim amendments, claims 11, 13, 15, 17, 20, 21 and 23-39 are active in this application, all of which should be supported by the original application disclosure, definite as well as novel and patentable over the art applied in the latest Office Action. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the January 30, 2007 Office Action. However, if any further issue should arise that may be addressed in a further interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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